

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

<b>NICOLE P. ERAМО</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No._____</b>
	)	
<b>ROLLING STONE LLC,</b>	)	<b>Circuit Court of the City of</b>
<b>SABRINA RUBIN ERDELY, and</b>	)	<b>Charlottesville</b>
<b>WENNER MEDIA LLC,</b>	)	<b>Case No. CL15-205</b>
	)	
<b>Defendants.</b>	)	
	)	

---

**NOTICE OF REMOVAL OF ACTION**

Under 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Rolling Stone LLC, Sabrina Rubin Erdely, and Wenner Media LLC (collectively “Defendants”) file this Notice of Removal to remove this action styled *Eramo v. Rolling Stone, LLC, et al.*, originally filed in the Circuit Court of the City of Charlottesville, Case No. CL15-205, to the United States District Court for the Western District of Virginia. In support of their Notice of Removal, Defendants respectfully state:

1. ***The Complaint:*** The Complaint was filed in the Circuit Court of the City of Charlottesville on May 12, 2015 and denominated Case No. CL15-205. Defendants are the sole defendants named in the Complaint.
2. ***Service of the Complaint:*** Defendants agreed with Plaintiff to accept service of process as of May 26, 2015. (Declaration of Natalie Krodel in Support of Notice of Removal of Civil Action Under 28 U.S.C. 1441 (Diversity) (“Krodel Decl.”) ¶ 2, attached as Exhibit D hereto.) Accordingly, this Notice is timely filed within thirty (30) days after Defendants’ receipt of the Complaint, through service or otherwise, under 28 U.S.C. § 1446(b).

3.     *Citizenship of the Plaintiff:* Plaintiff Nicole P. Eramo (“Plaintiff”) alleges in the Complaint that she is a resident of Virginia. (Compl. ¶ 17.) A copy of the Complaint as filed in the Circuit Court of the City of Charlottesville is attached hereto as Exhibit A. Upon information and belief, Plaintiff is a citizen of Virginia. (Krodel Decl. ¶ 9.)

4.     *Citizenship of the Defendants:* Defendant Rolling Stone LLC is Delaware limited liability company. (Compl. ¶ 18; Krodel Decl. ¶ 3.) Rolling Stone LLC’s sole member is Defendant Wenner Media LLC, which is a Delaware limited liability company. (Compl. ¶ 20; Krodel Decl. ¶¶ 3-4.) The sole member of Wenner Media LLC is Straight Arrow Publishers LLC, which is a Delaware limited liability company. (Krodel Decl. ¶¶ 4-5.) The members of Straight Arrow Publishers LLC are Straight Arrow Publishers Inc., 2006 Wenner Family LLC, and certain trusts and individuals. (*Id.*) The collective members of Straight Arrow Publishers LLC are citizens of California, Delaware, Hawaii, Michigan, and New York. (*Id.* ¶ 6) None of the members of Straight Arrow Publishers LLC is a citizen of Virginia. (*Id.*) Therefore, Defendants Rolling Stone LLC and Wenner Media LLC are citizens of California, Delaware, Hawaii, Michigan, and New York, not Virginia. (Krodel Decl. ¶ 7.)

5.     Plaintiff alleges that Ms. Erdely is a resident of Pennsylvania. (Compl. ¶ 19.) Ms. Erdely is a citizen of Pennsylvania, not Virginia. (Krodel Decl. ¶ 8.)

6.     *Diversity of the Parties:* Defendants are citizens of California, Delaware, Hawaii, Michigan, New York, and Pennsylvania, not Virginia. (Krodel Decl. ¶¶ 7-8.) On information and belief, Plaintiff is a citizen of Virginia, and is not a citizen of California, Delaware, Hawaii, Michigan, New York, or Pennsylvania. (*Id.* ¶ 9.) The citizenship of Plaintiff is diverse from the citizenship of all Defendants. Accordingly, the diversity requirements set forth in 28 U.S.C. §§ 1332(a)(1) and (c)(1) are satisfied.

7. ***Amount in Controversy:*** The Complaint contains six counts of alleged defamation. In the Prayer for Relief, Plaintiff seeks compensatory damages of at least \$7,500,000.00 and punitive damages of at least \$350,000.00, along with other relief. (Compl. at 75.) By these allegations, Plaintiff seeks to recover damages in excess of the required jurisdictional amount, \$75,000, exclusive of interests and costs. 28 U.S.C. §§ 1332(a), 1446(c)(2).

8. ***Venue:*** Venue lies in the United States District Court for the Western District of Virginia, Charlottesville Division, under 28 U.S.C. § 1441(a) and Local Rule 2(a)(3), because Plaintiff filed the Complaint in the Circuit Court of the City of Charlottesville.

9. ***Attachment of Copies of All Process, Pleadings, and Orders Filed in State Court:*** Copies of all process, pleadings, and orders served on Defendants in the state court action are attached hereto, under 28 U.S.C. § 1446(a). (See Exhibit A.)

10. ***Notice to Circuit Court.*** Upon filing this Notice of Removal, Defendants will promptly file a Notice of Removal of Action to Federal Court and a copy of this Notice of Removal of Action with the Circuit Court of the City of Charlottesville, 315 East High St., Charlottesville, Virginia 22902, under 28 U.S.C. § 1446(d). A copy of this notice is attached hereto as Exhibit B.

11. ***Notice to Plaintiff.*** Upon filing this Notice of Removal, Defendants will promptly serve Plaintiff with written notice of this Notice of Removal of Action and copies of this Notice of Removal of Action, under 28 U.S.C. §1446(d). A copy of this notice is attached hereto as Exhibit C.

12. ***Reservation of Defenses:*** Defendants have good and sufficient defenses to this action and do not waive any defenses, jurisdictional or otherwise, by filing of this Notice of Removal.

13. No previous application for the relief sought herein has been made to this or any other court.

WHEREFORE, for the reasons stated above, this Court has original jurisdiction over this action under 28 U.S.C. § 1332, and the action may be removed under 28 U.S.C. §§ 1441 and 1446.

Dated: May 29, 2015.

Respectfully Submitted,

s/ Micah J. Ratner  
Micah J. Ratner  
Virginia Bar Number: 78961  
DAVIS WRIGHT TREMAINE LLP  
1919 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, DC 20006-3401  
Telephone: (202) 973-4200  
Fax: (202) 973-4499  
E-mail: micahratner@dwt.com

Elizabeth A. McNamara (*pro hac vice* application forthcoming)  
Samuel M. Bayard (*pro hac vice* application forthcoming)  
Alison B. Schary (*pro hac vice* application forthcoming)  
DAVIS WRIGHT TREMAINE LLP  
1633 Broadway,  
27th Floor  
New York, New York 10019  
Telephone: (212) 489-8230  
Fax: (212) 489-8340  
E-mail: lizmcnamara@dwt.com  
E-mail: samuelbayard@dwt.com  
E-mail: alisonschary@dwt.com

*Attorneys for Defendants Rolling Stone LLC,  
Sabrina Rubin Erdely, and Wenner Media LLC*

## CERTIFICATE OF SERVICE

I, Micah J. Ratner, hereby certify that on May 29, 2015, I electronically filed the foregoing Notice of Removal and Exhibits with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Thomas A. Clare  
Elizabeth M. Locke  
Joseph P. Oliveri  
Attorneys for Plaintiff  
CLARE LOCKE LLP  
902 Prince St.  
Alexandria, VA 22314

And I hereby certify that I have also served the foregoing Notice of Removal and Exhibits by U.S. Mail, postage prepaid, to the above counsel of record.

s/ Micah J. Ratner  
Micah J. Ratner  
Virginia Bar Number: 78961  
DAVIS WRIGHT TREMAINE LLP  
1919 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, DC 20006-3401  
Telephone: (202) 973-4200  
Fax: (202) 973-4499  
E-mail: micahratner@dwt.com

*Attorneys for Defendants Rolling Stone LLC,  
Sabrina Rubin Erdely, and Wenner Media LLC*